

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
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MARIA HIDALGO AND ABUNDIO  
SANCHEZ, *individually and as parents and  
natural guardians of L.S.*,

Plaintiffs,

v.

NEW YORK CITY DEPARTMENT OF  
EDUCATION,

Defendant.

No. 19-CV-2590 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiffs Maria Hidalgo and Abundio Sanchez—the parents of L.S., a 10-year old child who has developmental impairments stemming from a traumatic brain injury—commenced this action pursuant to the Individuals with Disabilities Education Act (“IDEA”) seeking a preliminary injunction requiring the New York City Department of Education to fund L.S.’s enrollment at the International Institute for the Brain (“iBrain”), a private school for students with special needs. The Court denied Plaintiffs’ motion for a preliminary injunction on October 19, 2019. Plaintiffs subsequently sought reconsideration of that decision. Following oral argument and efforts to settle the matter, the Second Circuit decided *Ventura de Paulino v. New York City Department of Education*, 959 F.3d 519, 525 (2d Cir. 2020), which confirmed the interpretation of the IDEA set forth in this Court’s October 2019 Opinion. The Court accordingly denied the motion for reconsideration on January 8, 2021 and directed the parties to file a letter updating the Court on the status of the case.

In a letter dated February 23, 2021, Plaintiffs informed the Court of their intent to move forward with a motion for summary judgment while Defendant requested that this action be dismissed in light of the Court's denial of all relief sought in the Complaint. The Court subsequently directed Plaintiffs to file a letter further explaining the expected substance of their intended motion for summary judgment and addressing why the requested relief was not foreclosed by the Court's January 2021 order and *Ventura de Paulino*. Plaintiffs responded on March 19, 2021 indicating that the proposed motion for summary judgment would seek reversal of the underlying administrative order that denied Plaintiff's funding at iBrain. In response, the Court again ordered Plaintiffs to file a letter, this time by no later than March 31, 2021, clarifying the nature of the relief sought by the proposed motion for summary judgment, given the Court's ruling that Plaintiffs are not entitled to pendency funding.

Plaintiffs have not responded to that order. By no later than April 12, 2021, Plaintiffs shall submit that letter. If, however, Plaintiff does not respond to this Order, the Court may dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: April 5, 2021  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams  
United States District Judge